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*Attorneys for Defendants,
Somerset Therapeutics, LLC,
Somerset Pharma, LLC, Odin Pharmaceuticals, LLC
and Hikma Pharmaceuticals USA Inc.*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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	: Honorable Brian R. Martinotti, U.S.D.J.
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	: Civil Action No. 24 CV 7791(BRM)(CLW)
IN RE SELENIOUS ACID LITIGATION	: (consolidated)
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	: DECLARATION OF JAMES S. RICHTER
	: SUBMITTED IN SUPPORT OF JOINT
	: MOTION TO SEAL PORTIONS OF THE
	: FEBRUARY 3 and 4, 2025 LETTERS TO
	: COURT (ECF NO. 119, 121)
	:
	:
	: Return Date: April 7, 2025
	:
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JAMES S. RICHTER, of full age, hereby declares as follows:

1. I am an attorney at law of the State of New Jersey and Of Counsel with Midlige Richter, LLC, who along with Winston & Strawn LLP, are attorneys for Defendants, Somerset Therapeutics, LLC, Somerset Pharma, LLC, and Odin Pharmaceuticals, LLC and with Gemini Law LLP, are attorneys for Defendant, Hikma Pharmaceuticals USA Inc. (“Hikma”) (collectively, “Defendants”), in the above-captioned matter.

2. This Declaration is submitted in connection with the joint Motion to Seal portions of the February 3, 2025 Letter (ECF No 119) and February 4, 2025 Letter (ECF No. 121) to the Court (the “Letters”). The information Defendants seek to seal is hereinafter referred to as the “Confidential Information.”

3. The Letters contain highly confidential, competitive, and non-public information relating to Defendants’ Abbreviated New Drug Applications (“ANDA”) and competitively sensitive information relating to Defendants’ related business strategies that is not otherwise public.

4. Defendants have filed this Motion in accordance with the provisions of Local Civil Rule 5.3(c), because the Letters disclose and/or refer to information that should be treated as confidential and non-public.

5. The Confidential Information is information that is considered highly confidential, competitive, and non-public information by Defendants, and includes information impacting Defendants’ marketing, financial, sales, and business information related to Defendants’ ANDAs.

6. Defendants have a legitimate private interest in protecting this information from disclosure and would suffer a clearly defined injury, namely the release of competitive business information to direct and potential future competitors (among others) if the Confidential Information is not sealed, which warrants the sealing of this information.

7. As stated, none of the Confidential Information contained within the Letters has ever been made available to the public. Defendants have a legitimate interest in preventing their current and future competitors (and Defendants’ suppliers and customers) from learning the details of Defendants’ business plans and strategies.

8. Defendants' ability to remain competitive in their industry is key to its business success. If the Confidential Information was to be made public, Defendants' competitors would gain significant insight into key business strategies, timelines and other business practices, and could use such knowledge to Defendants' detriment. In other words, Defendants would suffer a clear and serious injury if the Confidential Information is not sealed.

9. Moreover, allowing the market as a whole to learn this Confidential Information (especially as it relates to manufacturing, marketing, sales and Defendants business strategies) will significantly impact Defendants. Defendants' business will be harmed if the Confidential Information is made public.

10. Accordingly, Defendants have a legitimate interest in protecting this information from disclosure and would suffer a clearly defined injury if the Confidential Information is not sealed, which warrants the sealing of this information.

11. Pursuant to Local Civil Rule 5.3(c)(4), the full versions of the Letters were filed under temporary seal (ECF Nos. 119, 121). The request to seal is the least restrictive alternative. Defendants proposes sealing only portions of the Letters.

12. Pursuant to Local Civil Rules 5.3(c)(1) and 7.1(d)(4), no brief is necessary because all facts in support of this Motion are set forth herein, and Defendants do not believe a brief will assist the Court.

13. Pursuant to Local Civil Rule 5.3(c)(3), Defendants rely upon the index attached hereto as Exhibit "A" in support of this Motion to Seal.

I hereby declare under the penalty of perjury that the foregoing statements made by me are true and correct.

s/ James S. Richter
James S. Richter
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Dated: March 4, 2025